

BEXLEY-AT-WESTON HOMEOWNERS ASSOCIATION

— Supplemental Rules —

Revisions effective August 14, 2017

Dear Association Members:

The original subdivision developer created Restrictive Covenants and Architectural Standards for Bexley at Weston to enhance the quality of life for our residents, maintain the overall aesthetic appearance of our neighborhood, and protect the value of our properties. Every owner agreed to adhere to the stipulations and guidelines in these documents when they purchased their home.

It is the responsibility of the Board of Directors to not only promote compliance with the existing rules and standards, but also to consider enhancements and refinements that the Board feels are essential to achieving the intent of the original Covenants. Pursuant to Article VIII and Article IX, Section 7 of the Bexley-at-Weston Declaration of Covenants, the Board of Directors has the authority to adopt new rules and regulations and to amend architectural standards.

The supplemental rules set forth in this document are the product of careful and thorough consideration on the part of the Board of Directors, and the Board feels they are necessary additions to the existing body of rules and standards. *The Board reserves the right to apply these rules to existing improvements made prior to the issuance of the rules if doing so is judged to provide significant benefit to the majority of Association members. However, the Board will not exercise this right in cases that would involve considerable out-of-pocket expense to a homeowner.*

Enforcement

The Covenants grant the Board of Directors *“the right and authority to levy fines or penalties for the violation of any provision of these Covenants and/or the rules and regulations hereafter promulgated by the Association. Any monetary fine or penalty shall be deemed a Special Assessment against the Lot of the Owner against whom such fine or penalty is assessed.”*

The Board understands that most violations will be the result of unintentional oversight, and anticipates that informal reminders or written notices will resolve the vast majority of issues. However, should these efforts prove ineffective, the Board will consider any and all available remedies to safeguard the interests of Association members.

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I. On-Street Parking

Long-term on-street parking (defined as longer than two hours) and overnight parking by residents are not permitted. A maximum of 2 vehicles may be parked in driveways overnight.

Given the narrow and curving characteristics of our streets and cul-de-sacs, long-term on-street parking constitutes a safety hazard and also negatively impacts the appearance of our neighborhood. This rule serves to protect the safety and investment of all Bexley property owners and their families and — considering that every home is designed to accommodate up to four vehicles between the garage and driveway — should not pose a problem for residents.

Several other neighborhoods in our area, notably Wessex and Weston Pointe, have a similar rule in effect, and representatives of those neighborhoods feel it has significantly enhanced safety and appearance.

This rule does not apply to out-of-town guests (except for extended-stay visitors), service vehicles, and other temporary visitors. “Extended-stay” is defined as seven days or more. After seven days, guests must refrain from on-street parking.

Guest parking should be restricted to the area in front of your residence (obviously, this doesn’t apply to parties and other large gatherings) and should not block the driveway access of neighbors on the opposite side the street. For safety reasons, please encourage guests to use your driveway space when available.

Please see Restrictive Covenant #7 for additional regulations relating to parking and vehicles.

II. Lawn Care and Home Maintenance

Pursuant to Restrictive Covenant #18, which states, “*The owner of each lot shall maintain the grounds and improvements on his lot, including but not limited to, plantings, landscaping and lawns, at all times in a neat and attractive manner,*” the following rules are hereby adopted:

1. Lawn Care

Mowing: Overgrown lawns are unsightly and encourage the growth of weeds. Lawns must be mowed on a regular basis to maintain an attractive appearance. If you are unable to mow, many affordable mowing services are available.

Edging & Trimming: Lawns must be edged regularly along curbs, driveways and sidewalks to maintain a neat appearance. Grass growing around mailboxes, utility structures, along landscape borders, etc. must be trimmed to the same height as the adjacent turf.

Grass Clippings: Grass clippings need to be disposed of and/or bagged so they don't get washed into the neighborhood gutters. All gutters in Bexley lead to one of our two retention ponds. Per Town of Cary ordinance, the HOA is responsible for the maintenance of those ponds. Chemicals from lawn fertilizers promote algae growth, create pond sediment and increase the chance that ponds will need to be dredged, which in turn could cost the neighborhood thousands of dollars.

Watering: While it is understood that some lawn damage due to summer heat and drought is unavoidable, it is the responsibility of each homeowner to water (to the extent that is permitted by the Town of Cary) as needed to maintain their lawn's appearance. Bexley is fortunate to be among the few neighborhoods connected to Cary's reclaimed water system, which as of this date has not been subject to restrictions.

Fertilizing & Seeding: Homeowners should fertilize as needed to maintain the health and appearance of their lawns. Fescue lawns must be reseeded in the fall to replace the many individual grass plants that die in the summer heat. The Board highly recommends aerating at the time of reseeding. There are many commercial services (EPM, ChemLawn, etc.) that will fertilize, seed and aerate as part of a scheduled lawn maintenance program if you choose not to do it yourself.

Neglecting your lawn or allowing it to die is not an option. At the discretion of the Board, a commercial lawn care service may be called to maintain seriously neglected lawns, with the resulting costs billed to the homeowner, along with a fine or fines.

II. Lawn Care and Home Maintenance (continued)

2. Grass Strips and Sidewalks

Residents on the inner side of Juliet Circle are responsible for the mowing, trimming and general maintenance of the grass strip between the street and sidewalk, and for removal of the weeds that occasionally appear in sidewalk expansion joints.

3. Tree and Shrub Maintenance

Trees and shrubs must be maintained in an attractive manner. The Board recommends feeding trees and shrubs annually with a slow-release organic or chemical fertilizer. The Board may require that overgrown shrubs be trimmed or, in extreme cases, removed, so when planting new shrubs be careful to choose varieties whose mature size will fit well into the available space. Crape Myrtles should be trimmed to remove the unsightly new growth that often appears around the base of the plant. Dead trees and shrubs should be removed immediately. Dead shrubs that were originally planted to conceal utility boxes should be replaced with shrubs that will perform the same function. *(Tip: Water trees and shrubs only as needed, and avoid over-watering. Our hard clay soil holds water and roots easily become waterlogged and oxygen deprived, so adjust your lawn sprinklers accordingly.)*

A homeowner must submit an Architectural Review Board (ARB) approval form for approval prior to the removal, significant pruning or addition of any trees and/or bushes visible from the street (this includes front and side yards). Please see section III. Architectural Review Requirements for approval process details.

4. Planting Setbacks

Distances of trees and shrubs from curbs and sidewalks must be in accordance with Town of Cary rules as defined in the Community Appearance Manual — a minimum of 6 feet in from curbs and 5 feet in from sidewalks. As stated in the Bexley Covenants, a TOC violation automatically constitutes an HOA violation, but it bears repeating here. As a matter of safety, placement of trees and shrubs must not obstruct sight lines at intersections and driveways.

5. Planting Beds

Planting beds and areas around trees must be kept free of weeds and mulched at least annually, or more often to maintain adequate coverage. Beds should be kept in attractive appearance at all times with unsightly overgrowth and/or dead plant materials removed immediately. Areas directly under trees are not intended for use as planting beds as flowers, shrubs, etc. struggle when competing with tree roots for nutrients.

Homeowners must submit an ARB approval form for approval prior to the installation of any new planting beds that would be visible from any street. (Please see section III. Architectural Review Requirements for approval process details.)

II. Lawn Care and Home Maintenance (continued)

6. Mulch Types & Colors

Annual mulching of beds (or more frequently if needed) is required to maintain an attractive appearance and control weed growth. Pre-approved mulch materials are shredded hardwood (recommended) and pine straw. Only naturally colored mulch (versus dyed mulch) is pre-approved, as this is most consistent with the predominant architectural styles of the neighborhood. Alternative colors and materials require prior approval via the ARB process.

7. Borders, Edging, Etc.

Materials used to create borders between planting beds and other areas must be maintained in a uniform, orderly and attractive manner, and the Board reserves the right to require replacement or removal of borders that are not maintained. All landscaping border installations that can be seen from any street require approval via the Architectural Review process. Please see section #13 for more details regarding materials that are permitted for border and edging purposes.

8. Potted Plants

Unless they are part of an approved landscape plan, potted plants visible from the street must be restricted to porches and front steps only. Clay, ceramic, faux stone and high quality decorative plastic pots only — nursery containers and basic plastic pots are not in keeping with the general appearance of the neighborhood and do not enhance the appearance of our properties. Empty pots must be stored out of sight.

9. Lawn Care Implements

All yard tools should be stored away out of view from any street immediately after use. These include hoses, hose caddies and sprinklers, shovels, rakes and hoes, lawn mowers, trimmers, shears and clippers, plastic tarps, wheelbarrows and other lawn care implements.

10. Landscaping Materials

All landscaping materials that are not immediately used, including bagged or loose mulch and soil, planting pots, fertilizers, weed killers, herbicides and pesticides, landscaping stones and timbers, etc. must be stored away out of view from any street. Porches, driveways and planting beds are not acceptable storage areas.

11. Work-In-Progress

Once commenced, landscaping projects must be completed in a timely manner. Temporary storage of materials for such projects should be discreetly placed and orderly maintained.

12. Garbage and Recycling Containers

Except on collection days, garbage and recycling containers must be kept in a garage or other area where they are wholly screened from street view.

II. Lawn Care and Home Maintenance (continued)

13. Toys and Play Equipment

Non-permanent play items and portable swimming pools must be stored out of sight after use each day.

14. Under-Deck Storage

Space under a deck that is utilized for storage must have lattice or evergreen landscaping to screen the view from neighbors and the street.

15. Holiday Lights and Decorations

Christmas lights are to be taken down by January 15th. Other holiday decorations should be removed no later than one week after the holiday event.

16. Power Washing Home Exteriors

Home exteriors, driveways and walks should be power washed on an as needed basis to remove mold, mildew and stains. Also, roofs should be power washed to remove any mold or stains. Roof mold can spread from house to house so it is imperative that any noticeable stains be treated promptly.

17. Vendor Signs

Members are permitted to display signs from vendors who are in the process of completing, or have completed, work on the residence. However, such signs must be removed one week after the completion of the project, or 21 days from initial installation, whichever is sooner.

18. General Appearance

Beyond the specific items mentioned above, residents should attempt to keep yards, porches, driveways and any other areas that are visible from the street free of clutter. For residents with side-entry garages, garage windows must be kept free of clutter that is visible from the street.

III. Architectural Review Requirements (Introduction)

The purpose of the Architectural Review Board (ARB) is to preserve and enhance property values throughout the community. The ARB is sensitive to the desires and needs of owners seeking to improve their property, and will respond to each individual request while upholding the community's general interests. The aesthetics of the proposed modification will be the primary consideration of the Board. Whenever the ARB finds it necessary to not approve a request, the committee will advise in writing why it was not approved and what conditions need to be met to obtain approval.

The Board often encounters questions as to whether a certain proposal needs to be submitted for approval. The best approach is to submit a request for each improvement being considered. It is far easier — not to mention cheaper — to request approval which turns out to be unnecessary than to have to remove or modify an improvement that does not conform to neighborhood standards. Even if experience suggests approval may not be needed, a good insurance policy is to at least email our property manager (HRW) and pose the question.

Implementing a change, addition, or deletion without approval of a properly completed architectural review form is a violation.

Most of what is contained in this section has already been covered in more general terms in the Restrictive Covenants and Article VIII of the Declaration of Covenants. The purpose of the following is to discuss architectural review in the context of a specific list of the most common exterior additions and improvements performed by homeowners. **All of them require architectural review and approval unless otherwise noted.**

This list is not necessarily complete and, under the authority granted by the Covenants, the Board of Directors reserves the right to require correction to, or removal of, an addition or improvement not included on this list if the Board determines that it is not compatible with the interests of neighborhood. Homeowners who are concerned about a neighbor's improvement project should contact our property manager (HRW).

For More Information . . .

Please contact our property manager (HRW) to discuss items not on this list, for specific guidelines as to the requirements for architectural approval, or with any additional questions you may have. A current version of the Architectural Request form is attached to this document. Additional forms can be obtained from our property manager. They can be contacted at (919) 787-9000, or via customercare@hrw.net.

III. Architectural Review Requirements (continued)

1. Antennas and Satellite Dishes

Dishes must be inconspicuously situated at the back or sides of homes, either attached to the home or placed immediately adjacent to it. Freestanding exterior antennas are not permitted. Refer to item 11 of the Restrictive Covenants for other rules governing antennas and satellite dishes. Antennas located in the attic do not require approval.

2. Awnings

Only attached awnings at the rear of houses will be considered for approval. Awnings may be either retractable or stationary, fabric only, and compatible in color and style with the existing structure. Awnings that are allowed to deteriorate will be subject to removal.

3. Basketball Goals

All basketball goals mounted on poles or home must be submitted for architectural review. Portable goals must always be stored out of view when not in use, and are not permitted in the street or ends of cul-de-sacs.

4. Clothes Lines

Permanent exterior clotheslines are prohibited.

5. Composting

Commercial composting bins are permitted, but must be located in backyards only, screened from view from any street, and no closer than 10 feet to any property line. Composting bins that comply with these guidelines do not require architectural review. Compost piles are not allowed on any portion of the property.

6. Doghouses and Kennels

Doghouses must be located in backyards only, screened from view from any street, no closer than 10 feet to any property line, properly maintained and kept free from materials that may cause unpleasant odors. Limit one doghouse per home. Doghouses that comply with these guidelines do not require architectural review. Wire dog kennels and fenced dog runs are not permitted.

7. Driveways and Sidewalks

Additions to, or replacement of, driveways and sidewalks must be submitted for architectural review. Hardscaped areas adjacent to a driveway will be regarded as an extension and must be professionally constructed to standards equal to or exceeding those of the original installation. Driveway extensions in homes with front entry garages may not extend beyond the outer corners of the garage structure; homes with side entry garages will be considered on a case-by-case basis. Additions to driveways and sidewalks must be of concrete that matches the original installation in color and finish. Decorative treatments (stamped, colored, etc.) will be considered on a case-by-case basis. Do-it-yourself paving is subject to plan review and approval by a paving contractor, and any costs associated with doing so will be charged to the homeowner.

III. Architectural Review Requirements (continued)

8. Exterior Paint Colors

Changes made to the existing colors of siding, shutters, doors and trim must be submitted for ARB approval (with paint color name and number attached) prior to any work commencing. The Board may ask the homeowner to paint a small sample area before approving the requested color change(s).

Repainting of a home with the exact paint color name/number used previously does not require prior ARB approval. However, ARB approval IS required if the homeowner does not have the actual paint color name/number used previously and attempts to match the previous color.

Bright or exotic colors will not be approved. Painting of brick or stone is not permitted. A home must be repainted when there is chipping, peeling or other visible signs of exterior paint deterioration.

9. Fencing

All fencing projects must be submitted for architectural review. Only the black metal “wrought iron” style of material in the same pattern as, or very similar to, the existing fencing originally installed by the developer, will receive approval. Fences must be installed by a professional contractor and may not exceed five feet in height. In general, fences should not be situated closer to the street than the back corners of the house, although exceptions will be considered based on the visual impact from the street.

Fences that face a street (for example, on a corner lot) may be required to have live screening planted along the exterior of the fence. Please check with the Town of Cary for specifics. Property owners are cautioned that building a fence that infringes on easements or access of right-of-ways may result in destruction or removal of the fence. Such building is done entirely at the risk and expense of the property owner. Maintenance is the responsibility of the property owner, and fences in disrepair are subject to fines.

Some lots have additional fencing restrictions; please refer to Restrictive Covenant #5.

10. Hot Tubs

Hot tubs must be situated in the backyard, no closer than 10 feet to any property line and screened from view from any street. Hot tubs must be adjacent to the house or deck, and any wood support structure or enclosure must be the same color as the house or deck. Hot tubs cannot be located within an easement. Freestanding hot tubs are not permitted. Installations are subject to architectural review and must comply with Health Department regulations.

III. Architectural Review Requirements (continued)

11. In-Ground Irrigation Systems

ARB approval is not required for professionally installed irrigation systems. Do-it-yourself installations must be submitted for architectural review.

12. Landscape Lighting/Yard Lamps

Plans for landscape lighting or freestanding yard lamps must be submitted for approval if the lighting will be visible from any street. Only electrical lighting systems will be approved. Solar lights are permitted only in locations that are screened from view from any street.

13. Landscaping Borders

All border installations that can be seen from any street must be submitted for architectural review. In general, borders are discouraged for the simple reason that they are difficult to install correctly in our rocky clay soil. The ARB will only consider borders constructed of architecturally compatible natural materials, brick or decorative concrete (no plastic) in natural colors.

Borders must be set on a level plane (rather than following the contour of the land) and the base level set low enough in the ground to maintain a secure and uniform position. The Board reserves the right to require replacement or removal of borders that are not installed in a uniform and attractive manner.

Specifically, the following border materials will not receive ARB approval:

- Plastic borders of any kind
- Low-level metal garden fencing of any kind
- Colored (including red) concrete borders other than natural colors
- Vertically oriented border stones (they are difficult to maintain uniformly)
- Brick borders that do not match your home's existing brick in color and style
- Materials with a distinctive or recognizable pattern that are already in place at an immediately adjacent property

14. Major Landscaping

Major landscaping is defined as any of the following, and must be submitted for architectural review:

- Landscaping that changes topography, or impacts the grading, or is adjacent to a property line, or obstructs a neighbor's view
- Mass plantings and/or hedges (see item #16)
- Retaining walls, stonework or fencing contained within a landscaping plan
- Landscaping borders that can be seen from any street (see item #13)
- Landscape lighting and yard lamps that can be seen from any street
- "Yard Art" that can be seen from any street (statuary, benches, fountains, arches, banners, etc.)

III. Architectural Review Requirements (continued)

15. Minor Landscaping

Minor landscaping activities, such as naturalization of an area of the yard, planting trees, shrubs (except mass plantings) and flowers, and modifying planting beds, do not require approval, unless they are adjacent to property lines or involve changes to the contour of the land. Please exercise caution in choosing trees and shrubs and where you plant them. Think ahead — a 1-foot seedling may grow into a 50-foot tree in a few years. *Trees and shrubs that extend too far across property lines or into the street may need to be severely trimmed back in a few years, or you may even be required to remove them entirely.*

16. Mass Plantings / Excessive Plantings

Large-scale plantings of trees and/or shrubs and planting of hedges must be submitted as a landscaping plan to the ARB. Individual plantings do not require approval. However, if cumulative individual plantings over a period of time result in a yard becoming overplanted and overgrown in the opinion of the Board, the homeowner in question may be required to remove some trees or shrubs to create a more properly scaled landscape.

17. Mulch Types & Colors

Pre-approved mulch materials are shredded hardwood (recommended) and pine straw. Only naturally colored mulch (versus dyed mulch) is pre-approved, as this is most consistent with the predominant architectural styles of the neighborhood. Any other mulch colors or materials must be submitted for architectural review.

18. Play Equipment

Swing sets, jungle gyms, playhouses, trampolines and other permanent outdoor play equipment may be installed only in backyards and should be placed to minimize views from all streets. Equipment cannot be placed closer than 10 feet to any property line. The Board of Directors may require screening of the equipment to block the view and/or noise from neighboring lots. This will be decided on an individual basis due to differences in lot configurations. The Board also reserves the right to request removal of play equipment if surrounding neighbors complain about disrepair. Non-permanent play equipment must be stored out of sight after use each day.

19. Retaining Walls

Retaining walls must be constructed of natural stone, naturally colored concrete landscaping stone, or treated landscaping timber. Other materials will not be approved. Retaining walls must accommodate for proper drainage and runoff, and may require engineering design and town permits.

20. Rain Barrels

Only barrels commercially designed specifically for the collection of rainwater will be considered for approval. Barrels must be situated in the backyard and screened from view from any street.

III. Architectural Review Requirements (continued)

21. Storage Sheds

Detached, freestanding storage sheds are prohibited. Attached storage sheds that are fully integrated into the design of the home will be considered on a case-by-case basis upon submission for review.

22. Structural Additions

These include decks, patios, porches and porch enclosures, arbors, pergolas, lattice and any other structural additions to the exterior of homes. All such improvements must be submitted for architectural review. Freestanding decks, patios, arbors and pergolas are not permitted.

23. Solar Collectors

Solar collectors must be submitted for architectural review. They must be installed to be as inconspicuous as possible, and located on the rear of the home or on the side that has the least public exposure. Collectors must be attached only to the roof, not free standing or ground mounted. There should be a minimum exposure of piping with no piping running down the side of the dwelling, and plumbing and supports should be painted to match roof coloring.

24. Skylights and Attic Fans

Skylights or attic fans that change the exterior of the roof must be submitted for architectural review. A skylight or attic fan may be located only in the section of roof facing the back of the lot.

25. Storm Doors

ARB approval is not required for storm doors. However, the door color must match or be harmonious with the color of the adjoining trim on the front and/or rear of the main dwelling, and be compatible with the dwelling's overall color scheme. Government fire safety restrictions must be considered. Plain (unpainted) aluminum cannot be used. Storm doors not in compliance with these guidelines are subject to removal.

26. Turf Replacement

Replacement of your original fescue lawn with a spreading, invasive turf grass is subject to architectural review and will require signed consent from all adjacent neighbors.

27. Vegetable Gardens

Must be located wholly in the back portion of the lot, a minimum of 10 feet from property lines, and not visible from any street. Maintenance of the garden is required, and excess debris and dead plant material must be removed at the end of the growing season.

Vegetable gardens that comply with these guidelines do not require architectural review.